

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

**CHARITABLE DAF FUND, L.P.
and CLO HOLDCO, LTD.,
*directly and derivatively,***

Plaintiffs,

V.

**HIGHLAND CAPITAL MANAGEMENT,
L.P., HIGHLAND HCF ADVISOR, LTD.,
and HIGHLAND CLO FUNDING, LTD.,
*nominally,***

Defendants.

CAUSE NO. 3:21-cv-00842-B

**PLAINTIFFS' PARTIALLY OPPOSED MOTION TO EXTEND TIME TO FILE RESPONSES
TO DEFENDANT HIGHLAND CAPITAL MANAGEMENT, L.P.'S MOTION TO DISMISS
COMPLAINT AND MOTION FOR AN ORDER TO ENFORCE THE ORDER OF REFERENCE**

Plaintiffs respectfully move this Court to extend their time to file their responses to Defendant Highland Capital Management, L.P.'s Motion to Dismiss Complaint and Motion for An Order to Enforce the Order of Reference to June 29, 2021.

1. Defendant Highland Capital Management, L.P. (“Highland”) filed its Motion for an Order to Enforce the Order of Reference on May 19, 2021. Plaintiffs’ response is due on June 9, 2021.

2. Highland filed its Motion to Dismiss complaint on May 27, 2021. Plaintiffs' response is due on June 17, 2021.

3. By agreement between Plaintiffs' counsel and Highland's counsel, Plaintiffs were granted an extension to June 29, 2021, to file their response to Highland's Motion to Dismiss. However, Highland's counsel opposes Plaintiffs' request to extend their response date to the Motion for an Order to Enforce the Order of Reference to June 29, 2021, as well.

4. Plaintiffs' counsel seeks the extension of the deadline for both responses based upon the following: Since the filing of the Motion for An Order to Enforce the Order of Reference on May 19, 2021, Plaintiffs' counsel have

- been required to spend their time responding to motions filed by Highland in the Bankruptcy Court, fulfilling expedited discovery deadlines and requirements, and have been required to spend considerable time reviewing documents and preparing discovery, as well as preparing for three depositions this week (two depositions on Monday and one to be taken on Friday, June 4) in the related case of *In re Highland Capital Management, L.P.*, Case No. 19-34054-sgj11, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. They will also be engaged in depositions and hearing preparations for a hearing on June 8, 2021, also in the Bankruptcy Court.
- Separately, they have been engaged in emergency discovery in, as well as preparing for an all-day preliminary injunction hearing that occurred last Friday, May 28, 2021, in *Mohammad Sohail v. Wiseman Innovations, Inc.*, DC-20-07713.
- They have further been defending a temporary restraining order, engaged in emergency discovery, and preparing for a temporary injunction hearing to be held on June 14, 2021, in *Sybrid Health, LLC dba Premier Management Company v. Mohammad Sohail*, "Cause No. DC-21-05382.
- Lead Counsel Mazin Sbaiti has further been engaged in defending a temporary restraining order, and he has been engaged in discovery and preparing for a temporary injunction hearing to be held on June 16, 2021, in the matter *Origin Bancorp Inc dba Origin Bank v. The LSsalle Group, Inc., et al.*, DC-18-14477.

5. This extraordinary convergence of emergent motions has deprived counsel of the time to prepare the responses necessary to answer the Motion for an Order to Enforce the Order of Reference where the response date is the *day after* a potentially all-day evidentiary hearing in the bankruptcy matter is supposed

to conclude. The refusal to move the date even two weeks is plainly designed to put counsel behind the eight ball.

6. In addition to the above scheduling conflicts, Plaintiffs' counsel, Mazin A. Sbaiti has a previously planned family vacation from June 19 to 25 in celebration of his parent's 50th wedding anniversary.

7. The 20-day extension of the deadline for Plaintiffs' response to the Motion for an Order to Enforce the Order of Reference is not sought for delay and will not prejudice the Defendant Highland in any way.

Plaintiffs respectfully request that the Court grant their Motion and deem Plaintiffs' responses to Defendant Highland Capital Management L.P.'s Motion for an Order to Enforce the Order of Reference and Motion to Dismiss Complaint due on June 29, 2021.

Dated: June 2, 2021

Respectfully submitted,
SBAITI & COMPANY PLLC

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

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Counsel for Plaintiffs

CERTIFICATE OF CONFERENCE

I hereby certify that on May 31, 2021 I conferred with counsel for Highland Capital Management, L.P. who informed me that he is not opposed to extending the deadline for Plaintiffs' response to Highland's Motion to Dismiss to June 29, 2021, but is opposed to extending the deadline for Plaintiffs' response to Highland's Motion for an Order to Enforce the Order of Reference to June 29, 2021.

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti